

Atty. Dkt. No. 99PS014/KE

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-11 are now pending in this application.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-11 were rejected under § 103 (a) as being obvious by U.S. Patent No. 5,666,151 by Kondo et al., in view of U.S. Patent No. 6,058,288 by Reed et al. Applicant respectfully submits that neither reference, alone or in combination, renders obvious that which is claimed in the present claims.

Independent Claim 1

Claim 1 was rejected under § 103 (a) as being obvious by U.S. Patent No. 5,666,151 by Kondo et al., in view of U.S. Patent No. 6,058,288 by Reed et al. Neither Kondo nor Reed teaches or suggests claim 1 because neither reference teaches or suggests a method comprising “retrieving a system configuration having a plurality of variable configuration data points, wherein the plurality of variable configuration data points are selectable from the following: number of media file servers, number of video cassette players, and number of RF channels.”

With regard to claim 1, Applicants respectfully submit that the Office Action fails to establish a prima facie case of obviousness. More specifically, for at least the reasons stated below, no proper combination of Kondo and Reed teaches or suggests the subject matter of claim 1. In order to establish a prima facie case of obviousness based on a combination of a prior art reference under 35 U.S.C. § 103(a) and knowledge of one of ordinary skill in the art, the

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Examiner must first show that there is a suggestion or motivation to combine the teachings of those references. (See Manual of Patent Examining Procedure § 2143.01.) This may come in the form of some objective teaching in the prior art or, alternatively, knowledge generally available to one of ordinary skill in the art at the time of the invention that would lead that individual to combine the relevant teachings of the references. In re Fritsch, 972 F.2d 1260 (Fed. Cir. 1992). In this case, the Examiner has not shown that there would have been any motivation or suggestion to one of skill in the art to combine Kondo and Reed to arrive at the subject matter of the present claim.

First, in connection with the “retrieving a system configuration having a plurality of variable configuration data points” limitation of independent claim 1, it appears the Examiner’s position is that Kondo and Reed teach this aspect of claim 1. It appears that the Examiner is asserting that the Kondo reference teaches or suggests the present claim because Kondo discloses the ability to change the number of channels for the digital video signals by changing the compression rate. The Examiner cites to col. 4, lines 41-44 of Kondo and various portions of the Reed reference, including col. 5, lines 56-65 and col. 6, lines 26-55. (Office Action, p. 2-3.) The Applicant respectfully traverses the Examiner’s position that Kondo teaches or suggests this aspect of claim 1. Kondo teaches a system having “twenty digital video signal providers ... and one analog video signal provider,” wherein the system can be configured “to increase the number of the analog video signal providers and to reduce the number of the digital video signal providers ... so that the total number of [the video] signal providers remains 21.” (Kondo, col. 5, lines 20-25.) Kondo discloses a fixed number of video signal providers, not a *variable configuration* as taught in the present claim. (Specification, p. 8.) Although, as stated by the Examiner, the Kondo reference discloses the ability to change the number of channels for the digital video signals by changing the compression rate of the signal (see col. 4, lines 41-44), the system in Kondo is configured to be limited to a fixed arrangement of 21 signal providers (see col. 5, lines 20-25), not a variable configuration as in the present claim. The number of signal providers, as taught by Kondo, may only be altered by reducing the number of digital video

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signals and increasing the number of analog signal providers. Therefore, Kondo does not teach or suggest this limitation of claim 1.

Additionally, the claims of the present application teach a system having a "hardware configuration system" configured to "store[] data on the configuration of the aircraft, including the number of media file servers, number of video cassette players, and number of RF channels, and others." (Specification, p. 6.) The entertainment system as taught in the present claim includes a configuration system database, wherein the database stores data relating to the hardware configuration of the aircraft, which includes the number of media file servers, the number of video cassette players, and the number of RF channels available in the entertainment system. The data relating to the hardware configuration may vary depending on the size of the aircraft, the amount of passenger seating, etc., unlike the system disclosed in Kondo.

(Specification, p. 6, 8-9.) Contrarily, Kondo does not teach or suggest the "retrieving a system configuration having a plurality of variable configuration data points" limitation, as set out in combination with the other steps of independent claim 1, and thus does not anticipate claim 1.

Secondly, it appears that the Examiner is asserting that the Reed reference teaches or suggests the present claim. Particularly, it appears that the Examiner is asserting that Reed teaches the "retrieving a system configuration having a plurality of variable configuration data points" limitation of independent claim 1, merely because Reed purports to disclose having various entertainment servers, which may include a multi-tasking entertainment server, a game entertainment server, etc. (See col. 6, lines 26-37.) The Applicant respectfully traverses the Examiner's position that Reed teaches or suggests this aspect of claim 1. Reed teaches a system for providing information signals to several remote display monitors (see col. 27, lines 55-61), wherein the various entertainment servers may be used to provide a signal to the display monitors. However, the present limitation of claim 1 requires that the system be configured to "retriev[e] a system configuration having a plurality of *variable* configuration data points, wherein the plurality of variable configuration data points are selectable from the following: number of media file servers, number of video cassette players, and number of RF channels."

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The system in Reed does not teach or suggest “retrieving a system configuration” as in the present application because the Reed reference does not teach or suggest “stor[ing] data on the configuration of the aircraft, including the number of media file servers, number of video cassette players, and number of RF channels, and others.” (Specification, p. 6.) The system of the present claim includes a configuration system database, wherein the database stores data relating to the hardware configuration of the aircraft, which includes the number of media file servers, the number of video cassette players, and the number of RF channels available in the entertainment system. The data relating to the hardware configuration may be *retrieved* in order to assess the system requirements (i.e., determine program channel assignments). The data may vary depending on the size of the aircraft, the amount of passenger seating, etc., unlike the system disclosed in Reed. (Specification, p. 6, 8-9.) The Examiner has not shown that there would have been any motivation or suggestion to one of skill in the art to combine Kondo and Reed to arrive at the subject matter of the present claim. The systems Kondo and Reed do not teach or suggest such a limitation as in independent claim 1, and thus claim 1 is not rendered obvious and is allowable.

Dependent Claims 2-11

Dependent claims 2-11 incorporate by reference the limitations of independent claim 1, and are therefore allowable for the same reasons that claim 1 is allowable. The Applicant submits that if the method of claim 1 (i.e., “a method of indicating program selections in a passenger entertainment system”) is novel and non-obvious, the claims that depend therefrom are also novel and non-obvious. Therefore, the Applicant respectfully traverses the Examiner’s assertion that dependent claims 2-11 are known in the art of video distribution, as each claim incorporates the novel and non-obvious steps of independent claim 1. Additionally, Applicant respectfully submits that the previously presented dependent claims recite additional novel and non-obvious features which are not taught or suggested by the reference.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

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The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

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